

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

_____)	
HUNTAIR, INC.)	
)	Case No. 07 C 6890
Plaintiff,)	
)	The Honorable David H. Coar
vs.)	
)	Magistrate Judge Morton Denlow
CLIMATECRAFT, INC.)	
)	
Defendant.)	

PROPOSED SCHEDULING ORDER

1. Discovery

The following time limits and deadlines shall be applicable.

- A. All disclosures required by Rule 26(a)(1) shall be made on or before February 15, 2008.
- B. Any amendments to pleadings or actions to join other parties shall be filed on or before April 30, 2008.
- C. Claim Construction and Invalidity

- 1. The patent holder shall disclose asserted claims and infringement contentions by March 15, 2008.

Plaintiff's position: The obligation to provide these contentions should be contingent on defendant providing sufficient information concerning the structure, function and operation of the accused products.

Defendant's position: Plaintiff's obligation to provide its infringement contentions should not be contingent on anything; Plaintiff filed the suit. The vague requirement of "sufficient" often leads to arguments about sufficiency. Moreover, when the parties spoke on January 25, Plaintiff initially proposed a March 7 deadline to identify its infringement contentions, and said nothing about needing defendant to provide any information whatsoever.

- 2. The accused infringer shall disclose any invalidity contentions by April 7, 2008.
 - 3. Both parties shall exchange their respective versions of proposed terms and claim elements for construction in the form of jury instructions by May 15, 2008.
 - 4. Both parties shall disclose any extrinsic evidence in support of their respective claim constructions by June 13, 2008. As to any experts so disclosed, a Rule 26(a)(2) report shall be included as part of the disclosure. Discovery as to extrinsic evidence shall be on an expedited basis.
 - 5. Any modification to the proposed terms and claim elements for construction shall be filed June 20, 2008.
 - 6. Both parties shall file their memoranda in support of their respective versions of claim construction along with any exhibits to be offered during the *Markman* hearing and a list of witnesses who will be called to testify at the hearing by July 3, 2008.
 - 7. Both parties shall file any responsive memoranda in support of their respective versions of claim construction along with any additional exhibits to be offered during the *Markman* hearing by July 18, 2008.
- D. The cutoff of any other fact discovery is July 31, 2008.

- E. The parties shall disclose any other expert testimony pursuant to Rule 26(a)(2) on issues on which the party bears the burden of proof on or before August 8, 2008.
- F. The parties shall disclose any other expert testimony pursuant to Rule 26(a)(2) on issues on which the party does not bear the burden of proof on or before August 29, 2008.
- G. The parties may depose the other side's expert at any time prior to September 12, 2008.
- H. The parties shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(C) at any time prior to September 12, 2008.
- I. The parties shall have until September 30, 2008 to depose the opposing party's rebuttal expert.

2. Motions

Any dispositive motions to be filed on or before October 24, 2008.

3. Final Pretrial Order and Conference

The final pretrial order shall be filed on or before January 23, 2009. (Ordinarily this date will be 90 days after the deadline for dispositive motions.)

The final pretrial conference will be held on _____ at _____.m. (This date and time will be set by the Court at the Rule 16 conference.)

4. Trial

Trial is set in this matter on _____ at 10:00 a.m. (The trial date will be set by the Court at the Rule 16 conference.)

Dated: _____

The Honorable David H. Coar
United States District Court Judge
Northern District of Illinois